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10/563,933	01/09/2006	Fabien Marcel Jacques Guilloit	NL 030875	3442
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EXAMINER				
KANG, INSUN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/563,933

Applicant(s)

GUILLORIT ET AL.

Examiner

INSUN KANG

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-34 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This action is responding to application papers filed on 1/9/2006.
2. Claims 1-34 are pending in the application.

Specification

3. The use of the trademark JAVA (page 6 and 8, claims 15 and 32) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

- a. The disclosure is objected to because of the following informalities: section headings are missing. Appropriate correction is required.
4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

- a. The abstract of the disclosure is objected to because the abstract contains more than 150 words and the legal phrasology such as “said” was used. The abstract should be in narrative form. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4-11, 13, 14, 17-19, 21-28, 30, 31, and 34 are rejected under 35

U.S.C. 102(e) as being anticipated by Reichgott et al. (US 7,640,571) hereafter Reichgott.

Per claim 1:

Reichgott discloses:

A method of executing one or more software applications in a broadcasting system (10) including a broadcast provider (20) coupled via at least one communication link (30) to at least one corresponding user interface (40, 50) including associated computing means therein, the method comprising the steps of (i.e. col. 1:25-30; col. 5:33-39):

- (a) receiving one or more requests from at least one user (60) associated with said at least one user interface (40, 50) for executing at least one preferred software application (i.e. col. 5:8-16);

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(b) checking memory associated with said at least one user interface (40, 50) to determine whether or not said at least one preferred software application is resident therein (i.e. col. 9:63-67);

(c) when said at least one software application is found to be already stored in said memory and validated, loading from the memory said at least one preferred software application to said computing means associated with said at least one user interface (40, 50) and then executing the software application in said computing means (i.e. col. 5:45-57; col. 4:35-48);

and (d) when said at least one application is found to be not already stored in the memory, receiving from the broadcast provider (20) said at least one preferred software application, loading said at least one application to the computing means, validating said at least one application in the computing means and then subsequently executing said at least one application when validated in the computing means (i.e. col. 7:24-32; col. 3: 7-20).

Per claim 2:

Reichgott further discloses: wherein in step (d), said at least one software application when validated is stored in the memory for subsequent potential re-use (i.e. col. 7:24-32; col. 8: 41-53).

Per claim 4:

Reichgott further discloses: wherein, in step (b), at least one validated software application stored in the memory is compared with at least one corresponding software application broadcast from the broadcast provider to check for similarity, such that: (i.e. col.9:63-67) (a) said at least one validated application stored in the memory is executed in the computing means when

correspondence between said at least one stored validated application and at least one broadcast application is identified (i.e. col. 9:63-67; col. 5:45-57);

and (b) said at least one broadcast application is checked for validity, and stored in the memory when successfully validated and subsequently executed in the computing means, the method thereby operable to update said at least one application stored in the memory when newer corresponding at least one application is broadcast from the broadcast provider (20) (i.e. col. 9:14-24; col. 5:8-16).

Per claim 5:

Reichgott further discloses: wherein said at least one user interface (40, 50) and corresponding at least one communication link (30) are operable to convey one or more user requests for the preferred software application to the broadcast provider (20) which is responsive to broadcast said requested preferred application to said at least one user interface (40, 50) (i.e. col. 5:33-39; col. 1:25-30).

Per claim 6:

Reichgott further discloses: wherein the broadcast provider is operable to broadcast via said at least one communication link one or more software applications in a repetitive temporal manner for selective loading into associated memory at said at least one user interface (i.e. col. 5:40-44).

Per claim 7:

Reichgott further discloses: wherein the broadcast provider is operable to broadcast said one or more software applications in a pseudo-continuous manner (i.e. col. 5:40-44).

Per claim 8:

Reichgott further discloses: wherein said broadcasting system is a digital television broadcasting system wherein said at least one user-interface corresponds to at least one step-top-box (40) coupled to associated displaying means (50), and said at least one communication link (30) is implemented by at least one of wireless links, fibre optical links and conductive wire communication links (i.e. col. 1:25-38).

Per claim 9:

Reichgott further discloses: wherein said displaying means (50) comprises at least one of a cathode ray tube, a pixel plasma display, a pixel back-lit liquid crystal display and a pixel projection liquid crystal display (i.e. col. 1:25-30; col.5:33-39).

Per claim 10:

Reichgott further discloses: wherein said at least one preferred software application is selected by use of at least one graphic representative symbol presented to said at least one user at said at least one user interface (i.e. col. 5:33-39).

Per claim 11:

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Reichgott further discloses: wherein said at least one graphic symbol is implemented as at least one graphics icon (i.e. col. 5:33-39).

Per claim 13:

Reichgott further discloses: wherein the memory is implemented as persistent memory operable to retain data therein when de-energized (i.e. col. 8:63-67).

Per claim 14:

Reichgott further discloses: wherein the memory is implemented as non-volatile memory utilizing at least one of: solid-state flash memory, magnetic disc memory (i.e. col. 8:63-67).

Per claim 17:

Reichgott further discloses: wherein downloading, validation and storage in said memory of validated said at least one software application is performed as a continuous concurrent background activity in said computing means (i.e. col. 5:40-44).

Per claim 18:

Reichgott discloses: A broadcasting system (10) for executing one or more software applications, the system (10) including a broadcast provider (20) coupled via at least one communication link (30) to at least one corresponding user interface (40, 50), each user interface (40, 50) comprising(i.e. col. 1:25-30; col. 5:33-39):

(a) interfacing means for receiving one or more requests from at least one user (60) associated with said user interface (40, 50) for executing at least one preferred software application therein(i.e. col. 5:8-16);

(b) memory for storing at least one software application therein(i.e. col. 9:63-67);

(c) computing means for determining whether or not said at least one preferred software application is already validated and stored in said memory, for validating one or more software applications received from the broadcast provider (i.e. col. 5:45-57; col. 4:35-48); where said one or more software applications are not already stored in the memory, and for executing one or more validated software applications in response to said one or more user requests such that said one or more validated software applications stored in said memory are executed in preference to validating corresponding one or more software applications receivable from the broadcast provider so as to provide said at least one user with more rapid temporal response to said one or more requests from said at least one user (i.e. col. 7:24-32; col. 3: 7-20).

Per claims 19, 21-28, 30, 31, and 34, they are the system versions of claims 2, 4-11, 13, 14, and 17, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 2, 4-11, 13, 14, and 17 above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichgott et al. (US 7,640,571) hereafter Reichgott in view of Girkar et al. (US 6,378,043) hereafter Girkar.

Per claim 3:

Reichgott does not explicitly teach: wherein each user interface (40, 50) is provided with memory managing means operable to overwrite less frequently user-requested software applications with more recently user-requested software applications, thereby allowing for re-utilization of memory capacity for at least one more frequently user-requested software application. However, Girkar teaches such memory re-utilization was known in the pertinent art, at the time applicant's invention was made, to achieve efficient memory management (i.e. col. 1:63-67). It would have been obvious for one having ordinary skill in the art to modify Reichgott's disclosed system to incorporate the teachings of Girkar. The modification would be obvious because one having ordinary skill in the art would be motivated to replace the less frequently used software with the most recently used software to optimize the memory usage as suggested by Girkar.

Per claim 20, it is the system version of claim 3, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 3 above.

9. Claims 12 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichgott et al. (US 7,640,571) hereafter Reichgott in view of Heikkil (EP 1259075 A2 published on 11/20/2002).

Per claim 12:

Reichgott does not explicitly teach that said at least one user interface is implemented as at least one mobile telephone provided with corresponding graphic display. However, Heikkil teaches such an interface implemented as a mobile phone with a display was known in the pertinent art, at the time applicant's invention was made, for a wireless network communication (i.e. col.2:0010). It would have been obvious for one having ordinary skill in the art to modify Reichgott's disclosed system to incorporate the teachings of Heikkil. The modification would be obvious because one having ordinary skill in the art would be motivated to enable a subscriber to connect to the system of Reichgott via a mobile phone interface as in Heikkil's system so that the subscriber can communicate with the service provider via a mobile phone if desired.

Per claim 29, it is the system version of claim 12, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 12 above.

10. Claims 15, 16, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichgott et al. (US 7,640,571) hereafter Reichgott in view of Schwalb (US 2002/0120945).

Per claim 15:

Reichgott does not explicitly teach that said at least one software application is implemented as one or more Java Xlets. However, Schwalb teaches using Java Xlet implementation in a digital TV programming was known in the pertinent art, at the time applicant's invention was made, for platform independent environment(i.e. col.2:0010). It would have been obvious for one having ordinary skill in the art to modify Reichgott's disclosed system to incorporate the teachings of Schwalb. The modification would be obvious because one having ordinary skill in the art would

be motivated to use Java Xlet implementation to clearly define lifecycle model of an application as in the DASE of Schwalb (i.e. 0051).

Per claim 16:

Reichgott discloses, wherein, in step (d), validation is performed by a software-implemented Security Manager (i.e. col.7:29-32). Reichgott does not explicitly teach that validated software applications are executed on a software-implemented Virtual Machine provided in said computing means. However, Schwalb teaches it was known in the pertinent art, at the time applicant's invention was made, for platform independent environment (i.e. col.2:0010). It would have been obvious for one having ordinary skill in the art to modify Reichgott's disclosed system to incorporate the teachings of Schwalb. The modification would be obvious because one having ordinary skill in the art would be motivated to use Java Xlet implementation on a virtual machine to clearly define lifecycle model of an application as in the DASE of Schwalb (i.e. 0051).

Per claims 32, and 33, they are the system versions of claims 15, and 16, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 15, and 16 above.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to INSUN KANG whose telephone number is (571)272-3724. The examiner can normally be reached on M-R 7:30-6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock, Jr. can be reached on 571-272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Insun Kang
/Insun Kang/
Primary Examiner, Art Unit 2193